

THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Council

Ref : 28124-83-43-a7 - Temporary Events Notice Date :17th November 2018

Subject :

TENS Objection Notice

Walkabout 2nd December 2018 0400 hours to 0630 hours

To whom it may concern

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed Temporary Events Notice (TENS) under Section 104 Licensing Act 2003 as we believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives.

Thames Valley Police believe that due to the timing of this event and our recent concerns relating to incidents of crime and disorder at this premises, that this event will likely lead to further incidents of crime and disorder and therefore in turn undermine and not promote the licensing objectives.

The applied for Temporary Events Notice relates to the extension of the hours for the supply of alcohol and regulated entertainments from 0400 hours to 0630 hours, and an increase in the hours open to the public from 0430 hours in order to show the boxing match between Fury and Wilder.

Currently this premises is suffering from concerning levels of crime and disorder and incidents which often occur in the early hours of the morning and which are linked to drunkenness and increased levels of intoxication.

These concerns have recently been outlined to the Designated Premises Supervisor (DPS) via a formal performance process on 26th October 2018 as part of a stepped approach to resolve the high number of incidents at the premises. **(See TVP 7)**

Furthermore, and in order to provide the licensing sub-committee with more specific evidence in support of our concerns we have provided the following three exhibits relating to the premises:

TVP/1 is a list of occurrences for all incidents that have required the provision of a recordable crime/incident report for the period between 1st January 2017 and 17th November 2018. Occurrences are created by police officers or call centre staff whenever a crime is confirmed to have taken place, or an investigation is required to determine the nature of any complaint.

TVP/2 is a list of "URN" records which are created whenever the police receive an initial call for immediate or urgent service, or an officer makes a call to control room updating of a sporadic incident. In general terms URNS are created as initial logs prior to occurrences being created and as before the period of these records is between 1st January 2017 and 17th November 2018..

TVP/3 is a report produced from the Thames Valley Police "Amandus" database and is a summary of sources received by the licensing team. Entries contained within this record may have derived from occurrences, URN's, officer reports "Gen 40's" etc. This report is not

necessarily a comprehensive list, however it is often reflective of many of the incidents that are listed within occurrences and URN's and regularly contains details of incidents that officers attend but that do not necessitate an official record ie URN or occurrence.

Thames Valley Police would like to draw the attention of the sub-committee to the volume of incidents that occur at this premises, many of which require some form of police action or call for service. We ask the sub-committee to consider the negative impact that this has on the provision of policing for the town centre but also the "knock on effect" created by drawing resources away from the West Berkshire area as a whole.

Finally we would like you to consider the times that these incidents are occurring and the undermining impact that they are having on the licensing objectives. As well as the tangible effect of creating numerous crimes, victims and offenders often spurred on by the consumption of alcohol over many hours till the early morning.

We now provide some specific examples relating to recent Temporary Events at this premises (two have been applied for this year).

On the 9th April 2018 a TEN was used to increase the premises hours in order to show a wrestling match, and on the 7th October 2018 a TEN was used in order to show a televised UFC Fight.

On the evening of 9th April 2018 an officer provided a report in relation to an assault which took place within the premises at 0350 hours.

The officer provided a Gen 40 report where they stated specifically that the victim had been at the premises to watch the Wrestling. (See TVP/4)

On the 7th October 2018 (the second and most recent TEN) we have details of two incidents occurring at the premises.

The first occurred at 0142 hours and led to a member of the door staff being punched in the head. Again at the time of producing his report the officer noted that a TEN had been applied for on this occasion. (See TVP/5)

The second incident on the 7th October 2018 occurred at 04:20 hours after a male had been ejected from the premises due to over intoxication. Eventually this male had to be arrested by officers whom had been stationed opposite the premises to oversee the extra hours applied for on the TEN. The officer who provided a statement at the time makes reference to how busy the night was and the fact it was difficult to provide transport for them and the detainee. (See TVP/6)

The current Secretary of States Section 182 Guidance states :-

7.32 *The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.*

7.33 *If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.*

7.34 *Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing*

premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 *Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.*

7.28 *If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. **Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.***

When considering the current secretary of states section 182 guidance above Thames Valley Police will say that we believe that it is necessary for us to object to this TENS application as it will undermine the licensing objectives. Our concerns surround the timings of the TEN which seeks to extend the hours for the sale of alcohol beyond those already allowed within the current premises licence, and we shall state that currently the number of incidents occurring at the premises are already disproportionate and fail to promote the licensing objectives. Therefore, any extension of hours shall only exacerbate the level to which the licensing objectives are already being undermined and likely lead to more incidents of crime and disorder, more victims and more arrests over and above those already apprehended at these premises.

Therefore in our submission we respectfully ask the Licensing Sub-Committee to consider the evidence supplied by Thames Valley Police in relation to our objection notice, and to issue a counter notice in response to this application as the only option available which shall ensure that the licening objectives are not likely to be undermined.

In closing Thames Valley Police would ask the sub-committee to consider the case of East Lindsey District council V Abu Hanif (t/a Zara’s restaurant) 2016 where it is stated:

“ The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin consideration of prevention and deterrence”.

Thames Valley Police submit that our objection notice supports the usage of the licensing objectives as a prospective tool to ensure that crime and disorder is prevented in relation to this current TEN application. (See **TVP/8**)

Appendices

TVP 1 – Occurrence list 01/01/2017 – 17/11/2018

TVP/2 – URN list 01/01/2017 – 17/11/2018

TVP/3 – Amandus Licensing report list 01/01/2017 – 17/11/2018

TVP/4 – Gen 40 report for 09/04/2018 (PC Hanson)

TVP/5 – Gen 40 report for 07/10/2018 (PC Drummond)

TVP/6 – MG11 statement for 07/10/2018 (PC Hubbard-Clark)

TVP/7 – Tier 1 Licensing meeting letter 26th October 2018

TVP/8 – East Lindsey District Council V Abu Hanif (T/A Zaras Restaurant) Case Law